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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,297	03/30/2004	Gregory C. Moser	20341-73310	4530
23643	7590	05/04/2005	EXAMINER	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			THOMPSON, HUGH B	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,297

Applicant(s)

MOSER ET AL.

Examiner

Hugh B. Thompson II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6, 8, 15-20, 22, 23, 27, 34-36 and 40-42 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 7, 9-14, 21, 24-26, 28-33 and 37-39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6-3-04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 6, it is unclear as to how the sections "cooperate" to form a handle. It is suggested that the applicant rely upon the structure as recited in claim 7 to define the handle. Claim 6 is ambiguous.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 8, 15-20, and 40-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell #2,730,417. Mitchell discloses a folding support comprised of first section 10, second section 11, the two sections forming a space therebetween as best seen in Figure 4, first and second legs 12, each pivotally secured to respective sections by means of elements 15' and pivotally secured to the opposed respective first and second sections by means of pivoting link assemblies 34, 35, 36, and pivoting center leg 20.

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Claims 1, 5, 6, and 40-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Covucci #2,709,631. Covucci discloses a folding support comprised of first section 10, second section 11, the two sections forming a cavity therebetween as best seen in Figure 2, first and second legs 14, 15, each pivotally secured to respective sections by means of respective elements 16, 17, and pivotally secured to the opposed respective first and second sections by means of pivoting link assemblies 18, 18', 18'', 20, 20', 20'', 22, 22', 22'', and 24, 24', 24'', and handle 30, 30'.

Claims 22, 23, and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by James #2,811,400. James discloses a folding support comprised of first section 11, second section 12, the two sections forming a space therebetween bounded by flanges 48, as best seen in Figures 4 and 7, first axle mount 66-68, second axle mounts 66a-68a, each having spaces therein to receive axles/pins 81-83, first and second legs 16, 18, pivoting center legs 17 (84-86), each leg pivotally secured to respective sections by means of elements 107-110 and 13, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Covucci or James as applied to claims 1, 5, 6, 40-42, and 22, 23, and 34-36 above, and further in view of Ferguson #1,209,421. Covucci or James fails to disclose serpentine mating edges for each of the sections. Ferguson teaches the utility of a folding support 2, having folding sections 3, 3', 4, 4',

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the sections having mating serpentine edges 5-10 that prevent downward movement or buckling of the support sections under stress. Therefore, to one of ordinary skill in the art, it would have been obvious to provide the folding supports of Covucci or James, with mating serpentine edges as taught by Ferguson that prevent downward movement or buckling of the support sections under stress.

Allowable Subject Matter

Claims 3, 4, 7, 9-14, 21, 24-26, 28-33, and 37-39, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The primary reason for the allowable subject matter of claim 3 is the inclusion of axle mounts that receive an axle there through and across the serpentine mating edges to couple the support sections together.

For claim 7, it is the inclusion the floor sections having holes there through that when aligned in the folded position form a handle.

For claim 8 it is the inclusion of first and second axle mounts coupled to respective floor sections that receive an axle there through.

For claims 12 and 21, it is the inclusion of the legs having a bend defining a void the center leg is received in when the legs are pivoted into the folded positions.

For claim 13, it is the inclusion of the floor sections having bottoms defining channels that receive the legs in the folded position.

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For claim 24, it is the inclusion of the axle mounts having slots that receive a rod post coupled to the axle rods.

For claims 28 and 31, it is the inclusion of each floor section having bodies coupled to respective legs, respective axle mounts, and a center peninsula extending therefrom.

For claim 37, it is the inclusion of respective legs pivotally attached to opposed respective floor sections by pivoting mover links.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blink #3,557,720, Risdall #3,080,834, 3,080,833, Wilson et al #3,276,401, Glover et al #6,752,091, Wilson #2,831,741, Gutierrez #3,884,160, and Gillotti #6,00,345 are cited to teach folding support structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hugh B. Thompson II
Primary Examiner
Art Unit 3634

April 23, 2005